

**02-0-**

AN ORDINANCE WAIVING THE FINANCIAL RECOMPENSE REQUIREMENTS OF THE TREE PROTECTION ORDINANCE IN CONNECTION WITH THE APPLICATION OF YOUTH INCORPORATED, AND ATLANTA YOUTH ACADEMIES, INC., FOR PERMITS TO REMOVE TREES FOR CONSTRUCTION, AND FOR OTHER PURPOSES.

WHEREAS, Youth, Incorporated, (dab The Atlanta Youth Project) is a 501(c)(3) organization in continual operation since 1992, the mission of which is to serve underprivileged youth of the City of Atlanta via educational, physical, social, and spiritual programs, and which partners with other community ministries to further its mission; and

WHEREAS, the Atlanta Youth Academics, Inc., is a 501(c)(3) organization; has been in continual operation since 1997 as a creation of Atlanta Youth Project, and has as its mission to serve underprivileged youth of the City of Atlanta via funding and operation of private, faith-based, scholarshipped academies; and

WHEREAS, the Atlanta Youth Academies Inc. presently funds and operates the Atlanta Youth Academy, a private, faith-based, scholarshipped academy, located on Hosea Williams Drive; and

WHEREAS, Youth, Incorporated, and the Atlanta Youth Academies, Inc., have recently acquired a 27-acre tract of land located at Constitution and Forest Park Roads in southeast Atlanta, Council District One, the purpose of said land being for the construction of a new private, faith-based, scholarshipped academy serving K-4 thru 8<sup>th</sup> grade, and to provide the neighborhood and community-at-large with recreation and other community opportunities; and

WHEREAS, the project is to be funded and operated by Youth, Incorporated, and Atlanta Youth Academies, Inc.; and

WHEREAS, the subject 27-acre tract is presently undeveloped and in its natural state; a tree survey recently conducted at the subject property indicates substantial tree cover, based on a proposed clearing of approximately 13.1 of the 27 acres for construction of the school facilities, approximately 3,648 trees will have to be removed totaling approximately 38, 675 Diameter Breast Height (DBH) of inches; and

WHEREAS, according to the present City of Atlanta Tree Protection Ordinance, Section 158-103(b), recompense for trees to be removed from the subject property totals approximately \$2,170,000.00; and

WHEREAS, Representatives of Youth Incorporated, and Atlanta Youth Academies, Inc., have consulted with the City Arborist and Secretary of the City Tree Conservation Commission concerning this matter; and

WHEREAS, recompense, in the amount specified in the subject Tree Protection Ordinance, creates a hardship on Youth, Incorporated and the Atlanta Youth Academies, Inc., and

WHEREAS, the parties request relief from the recompense provisions of the Tree Ordinance, based on hardship, since payment of this amount of recompense would render the project completely impossible; and

WHEREAS, the City Council determines that it is in the best interests of the City of Atlanta that the recompense fees be waived:

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

**Section One:** THAT the provisions for recompense as set forth in the Tree Protection Ordinance, Article II of Chapter 158 of the Atlanta City Code (1995), be and the same hereby are, waived for the purpose of the application of Youth, Incorporated, and the Atlanta Youth Academies, Inc., for a permit to remove trees for the purpose of construction on that certain 27-acre tract of land owned by them, located at Constitution and Forest Park Roads in southeast Atlanta, Council District One;

**Section Two:** THAT, notwithstanding the provisions of Section One above, the applicants shall be required to comply with all requirements of the Tree Protection Ordinance other than the requirement of recompense, which is waived thereby;

**Section Three:** THAT all ordinances in conflict herewith are repealed for purposes of this ordinance, and only for purposes of this ordinance.

**02-O-**

RCS# 4349  
1/06/03  
2:46 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0520; 02-O-0599  
02-O-1039; 02-O-1147  
FILE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

MULTIPLE

02-0 -1147

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CARLA SMITH:

WAIVING THE FINANCIAL RECOMPENSE REQUIREMENTS OF THE TREE PROTECTION ORDINANCE IN CONNECTION WITH THE APPLICATION OF YOUTH INCORPORATED, AND ATLANTA YOUTH INCORPORATED, AND ATLANTA YOUTH ACADEMIES, INC., FOR PERMITS TO REMOVE TREES FOR CONSTRUCTION, AND FOR OTHER PURPOSES.

Full Council

FILED

1/6/03

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee CD/HJR  
Date 6/25/02  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
7/9/02  
7/30/02  
8/27/02  
11/12/02  
Refer To \_\_\_\_\_

Committee CD/HJR  
Date 12/10/02  
Chair Debra Henderson  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JAN 06 2003  
Ruth Douglas Johnson  
MUNICIPAL CLERK

CERTIFIED  
JAN 06 2003  
Ruth Douglas Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION